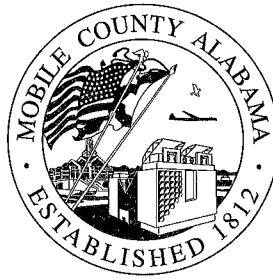


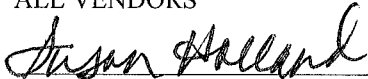
MOBILE COUNTY COMMISSION

COUNTY COMMISSIONERS
MERCERIA LUDGOOD, PRESIDENT
CONNIE HUDSON, COMMISSIONER
RANDALL DUEITT, COMMISSIONER
TELEPHONE (251) 574-5077



ADMINISTRATION
GLENN L. HODGE
COUNTY ADMINISTRATOR
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ADDENDUM #2

TO: ALL VENDORS
FROM: 
Susan Holland, Purchasing Agent
DATE: APRIL 1, 2021

RE: BID 102-21, ANNUAL APPLICATION OF ROAD BASE STABILIZATION AND DUST CONTROL
AGENT BID FOR MOBILE COUNTY PUBLIC WORKS DEPARTMENT:

Please review the following questions and answers related to this bid.

- 1.) In regard to the "Right of First Refusal", The bid states that the "right of first refusal per delivery going to the next bidder" implies that the second lowest bidder would have the right of first refusal. Can you clarify who would hold the right of first refusal? The lowest bidder or the second lowest bidder?
This should have read as follows:
If the low bidder is not able to fulfill any order or any part of any order, the order or remaining part of the order will be given to the next lowest bidder. The low bidder will get the first opportunity to fulfill any order before the next low bidder is given the chance. This inability to fulfill an order or part of an order will not be held against the lowest bidder. They will still be given the first opportunity on future orders. However, if either bidder refuses to supply the material at the cost bid, they will be removed from the contract and all other orders will be given to the other bidder for the remainder of the contract.
- 2.) In the event that the bidder holding the "right of first refusal" refuses a request for delivery, is that refusal deemed a breach or default of the contract?
This depends on the reason of the refusal. If refusal is due to price, then yes, this will be deemed a breach and default of contract and the vendor will be removed.
- 3.) In the event that the bidder holding the "right of first refusal" refuses a request for delivery, is that same exact request going to be made to the second bidder? IE the quantities of truckloads, timeframe etc.?
If the low Bidder is not able to deliver any of the order, the same order of material will be given to the next lowest Bidder. If the low Bidder is able to deliver some, but not all of the order, the next lowest Bidder will be given the remainder of the order not delivered by the low Bidder.
- 4.) In the event that the county would modify the request to the second bidder, would the bidder holding the "right of first refusal" per the contract then have the opportunity to review the modification and then accept or refuse the modified request? And if refused, is it without penalty?
The second lowest Bidder will only be given the opportunity to fulfill the part of the order not fulfilled by the low Bidder.

Mobile County would like to apologize for any inconvenience. Thank you for your cooperation,